

**Before The
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

In the Matter of:)	
)	
Digital Audio Broadcasting Systems and)	
Their Impact on The Terrestrial Broadcasting)	MM Docket 99-325
Systems)	
)	
Amendment of Part 74 of the Commission's)	
Rules to Permit Satellite Feeds to)	RM-10609
Noncommercial Educational FM Translators)	[EX-PARTE]
Operating on Commercial Frequencies)	

**REPLY COMMENTS
OF REC NETWORKS**

REC Networks ("REC") is a supporter of locally owned and diverse radio. REC currently operates several Internet only radio stations. REC also operates several websites including the original LPFM Channel Search Tool. REC Networks also represents the interests of independently owned Low Power FM ("LPFM") broadcast stations and their listeners.

THE SECOND ADJACENT CHANNEL ISSUE DOES NOT JUST AFFECT LPFM

In comments by Livingston Radio and Taxi Productions, they expressed concerns about interfering IBOC signals from second adjacent channel stations operating on grandparented short spaced allotments or operating at power levels exceeding their normal station class on a grandparented basis.

Taxi Productions is the owner of KJLH(FM) Inglewood, one of the last remaining minority-owned broadcast stations in the Los Angeles market. The concern addressed by Taxi in their comments is that if their station on 102.3 was to operate hybrid IBOC, that the digital signal would receive substantial interference from the IBOC sideband of Clear Channel's KIIS(FM) on 102.7 and from Univision Radio's KSCA(FM) on 101.9.

As we pointed out in our original comments, LPFM stations are subject to such interference on a smaller scale by translators and other LPFM stations operating on second adjacent channels.

These second adjacent channel issues only underscore the fact that HD Radio is not a spectrum efficient system. It is actually a bandwidth hog compared to analog FM.

INSTEAD OF MULTI-CASTING, WHY NOT CONSOLIDATE GROUP OWNERS?

We have seen many comments from many non-commercial educational FM broadcasters supporting the use of multi-casting at their stations. These multicasts can expand on the amount of hours a particular musical format or language is broadcasted. It can also provide reading services for the visually impaired.

Since the new IBOC system appears to be taking about 2 channels of bandwidth, REC feels that at a time that there is a substantial penetration of DAB receivers in the marketplace, it's about time that owners of multiple FM stations in a market should use the multi-casting technology to consolidate their multiple FM stations on a single stream and divest their additional transmitter facilities. The recovered spectrum should be used for local LPFM broadcasting as well as resolving IBOC interference issues for grandparented short spaced stations (such as KJLH).

For example here in Phoenix, the Maricopa Community College District are the licensees of KBAQ(FM), an all classical music format station and KJZZ(FM), a hybrid jazz-NPR spoken word format station. Both stations are Class C in the reserved band. KJZZ has the more desirable site (South Mountain). If KBAQ was eventually moved to a second audio program of KJZZ and the KBAQ transmitter is taken off the air, this could possibly open the door for another local and diverse broadcaster (or multiple low power stations) to use the freed up spectrum.

In Phoenix, on the commercial portion of the FM band, Clear Channel can combine KYOT-FM, KMXB, KESZ, KNIX-FM and KZZP to two or three transmitters. Infinity can combine KOOL-FM, KZON and KMLE to one to two transmitters. Emmis can combine KKFR and KKLT to a single transmitter. This can create up to 6 new channels that can be used for local urban LPFM stations.

Below in our comments, we will discuss translators that are fed by satellite from primary stations a considerable distance from the translator. Some of the major operators of those types of

translators such as Calvary Chapel of Twin Falls, Inc. operate multiple translators in a particular area. These translators rebroadcast different commonly-owned primary stations. REC feels that once there is a substantial penetration of IBOC receivers, that these translators be required to relinquish one of their translators in favor of running both primary stations on a single translator. The other frequency must be relinquished for local LPFM or displaced Class-D usage.

This same approach can be used by full power nationwide NCE operators such as Educational Media Foundation. They can combine K-Love and Air 1 programming to a single transmitter.

USE OF ALTERNATIVE MEANS OF DELIVERY TO TRANSLATORS MUST SUPPORT LOCALISM

In comments by Western Inspirational Broadcasters ("Western"), it is suggested that the Commission "relax the restrictions on the method of signal distribution to all FM translators operating in a non-commercial mode, in both the reserved and non-reserved portions of the FM band"¹.

In RM-10609, REC felt that a reasonable approach should be taken to allow alternative means of delivery to translators. Such an approach must not create opportunities to expand "distant" translators into the non-reserved band. REC suggested that a "distant translator" be defined as "a translator whose primary full power station is located in a different state and is at least 400 km away from the translator."

REC feels that distant translators, despite Western's claims as well as the claims made by Calvary Chapel of Twin Falls, Inc. ("Calvary") in RM-10609 do not support localism as such distant translators do not originate programming originated from a location close to the transmitter nor are they required to have local EAS capability at the translator.

If the Commission approves the ability for non-reserved band translators to use alternative means of signal delivery and these translators are considered as "distant translators" under our definition or a definition approved by the Commission, such as the "30 dB rule" proposed by National Public Radio, then we feel that these translators should be considered *sub-secondary* to local

LPFM stations. This would mean that an LP-100 or an LP-10 station could displace a "distant" translator.

REC partially agrees with Calvary and Western that the operation of these satellite-fed distant translators can provide some form of radio service in areas where there are no other local radio services. However, we feel that once a local voice wishes to broadcast, that local voice should have spectrum priority, even if that local voice is a secondary LPFM station.

As we have stated in our RM-10609 reply comments:

- Translators in the non-reserved band should be able to use alternative means other than over the air through direct space to receive their (analog and digital) programming.
- If the translator's primary station is located in a different state and is at least 400 km distant, the translator should be classified as a "distant translator".
- Existing reserved band distant translators would be grandparented and protected from future LPFM operations.
- New distant translators operating in the non-reserved band must make a showing that no channels are available in the reserved band.
- A distant translator is sub-secondary to LPFM operations and may be displaced by LPFM (LP-100 & LP-10) applicants *if the LPFM applicant can make a showing that no other channels are available*.

We feel that these rules will provide Western with the delivery capability they need in rural underserved areas while securing a future possibility for these communities to originate their own local broadcasting stations.

WE NEED TO RE-EXAMINE CHANNEL 6 PROTECTIONS IN THIS DIGITAL AGE

REC agrees with NPR that the Commission re-examine required protections to Channel 6 TV stations in this proceeding. Even though the FM stations, especially those on Channel 201 (88.1) will be operating a wider signal because of the digital sidebands, today's modern analog and digital television sets are better designed to reject undesired signals unlike their older analog counterparts.

REC feels that TV stations (both DTV and NTSC) should continue to receive protections from very adjacent FM operations (such as a Channel 201 FM station and a TV Channel 6 station in

¹ - Western Inspirational Broadcasters, Comments at 1.

the same community). Such protection should vary based on whether the TV station is DTV or NTSC and whether the station is a full power station or a Class A/LPTV/Translator.

In areas where there is no potential of interference to TV Channel 6, REC feels that frequencies 87.5, 87.7 and 87.9 should be made available to LPFM and Class D Secondary stations (but not translators) that are displaced by primary stations². We note that 87.9 is currently available to Class-D stations and we are aware of one Distant Translator operating on 87.9 under a waiver. These channels should be made more available and negotiations should take place with Canada and Mexico to allow an extended use of these frequencies in the border areas.

A TRANSITION TO AN ALL DIGITAL FM BAND SHOULD NOT BE MANDATORY

We agree with the concerns of commenters who have expressed concerns that a mandatory transition to a fully digital FM broadcast band would create a substantial hardship on consumers, especially the poor³. It will also adversely impact LPFM and minority and small broadcast stations. We feel that the ability to "multi-cast" using the Ibiquity HD Radio system is a capability that should be exploited. Many public broadcasters, especially those with both AM and FM facilities have stated that they can use the multi-cast capability of DAB for the news and information or foreign-language⁴ programming that is traditionally carried on their AM station. REC agrees that the multicasting capability would be an incentive for consumers to purchase a DAB radio but it does not warrant a mandatory transition to DAB.

² - In this case, "displacement" can also include channel changes due to interference from another station's IBOC operations.

³ - See Nickolaus E. Legget, Comments at 1.

⁴ - See David J. Spizale, KRVS-FM, Comments at 1.

CONCLUSION

REC feels that current DAB rules as proposed are spectrum inefficient. It has the potential of being implemented in a manner that would allow spectrum to be reclaimed by the local community and if implemented correctly, could bring urban LPFM broadcasting to reality.

Digital LPFM stations must be protected by translators and other LPFM stations implementing DAB. Any rules to permit alternative ways for translators to receive digital service must be done in a manner that preserves localism in broadcasting. We are asking the Commission to proceed into DAB with extreme caution.

Respectfully Submitted,

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